

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case  
18-CA-163766Date Filed  
November 10, 2015

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer DP&K Incorporated d/b/a/ McDonalds USA at 2733 E. Washington Ave. Madison WI		b. Tel. No. 608 240-1665
		c. Cell No.
		f. Fax No. 608 244-1913
		g. e-Mail
d. Address (Street, city, state, and ZIP code) DP&K N3250 County Hwy J Poynette, WI		h. Number of workers employed 27
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The employer interfered with, and retaliated and discriminated against employee (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) expressed support for the MWOC-sponsored fast food workers strike. The employer by its (b) (6), (b) (7)(C) threatened employee (b) (6), (b) (7)(C) and told (b) (6), (b) (7)(C) that if (b) (6), (b) (7)(C) supported and/or went out on strike (b) (6), (b) (7)(C) would be terminated. On (b) (6), (b) (7)(C) the employer's (b) (6), (b) (7)(C) terminated employee (b) (6), (b) (7)(C) and referred to (b) (6), (b) (7)(C) support for the MWOC strike as a factor in (b) (6), (b) (7)(C) termination.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Milwaukee Workers Organizing Committee

## 4a. Address (Street and number, city, state, and ZIP code)

1862 W. Fond du Lac Ave.  
Milwaukee, WI 53205

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

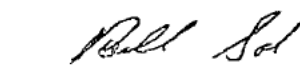
4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) N/A

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



Richard Saks

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No. 414 271-8650

Office, if any, Cell No.  
414 331-4405

Fax No. 414 271-8442

e-Mail  
rsaks@hq-law.com

Address 222 E. Erie St, #210, Milwaukee, WI 53201-0442

11-09-15

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

RECEIVED  
NLRB

2015 NOV -9 PM 4: 42

REGION 30



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (414)297-3861  
Fax: (414)297-3880



Download  
NLRB  
Mobile App

November 10, 2015

DP & K INCORPORATED D/B/A/ MCDONALDS USA  
2733 EAST WISCONSIN AVENUE  
MADISON, WI 53704

Re: DP & K Incorporated d/b/a/ McDonalds  
USA  
Case 18-CA-163766

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney ANGELA B. JAENKE whose telephone number is (414)297-3883. If this Board agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAU, III whose telephone number is (414)297-3877.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

November 10, 2015

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARLIN O. OSTHUS  
Regional Director



By:

BENJAMIN MANDELMAN  
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

## NATIONAL LABOR RELATIONS BOARD

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

DP &amp; K Incorporated d/b/a/ McDonalds USA

CASE NUMBER

18-CA-163766

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**DP & K INCORPORATED D/B/A/ MCDONALDS  
USA**

Charged Party

and

**MILWAUKEE WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**Case 18-CA-163766**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 10, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

DP & K Incorporated d/b/a/ McDonalds USA  
2733 East Wisconsin Avenue  
Madison, WI 53704

November 10, 2015

Date

Josie Castro, Designated Agent of NLRB

Name

/s/ Josie Castro

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (414)297-3861  
Fax: (414)297-3880



Download  
NLRB  
Mobile App

November 10, 2015

MILWAUKEE WORKERS ORGANIZING COMMITTEE  
1862 W. FOND DU LAC AVE.  
MILWAUKEE, WI 53205

Re: DP & K Incorporated d/b/a/ McDonalds  
USA  
Case 18-CA-163766

Dear Sir or Madam:

The charge that you filed in this case on November 09, 2015 has been docketed as case number 18-CA-163766. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney ANGELA B. JAENKE whose telephone number is (414)297-3883. If this Board agent is not available, you may contact Deputy Regional Attorney PERCY J. COURSEAU, III whose telephone number is (414)297-3877.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

November 10, 2015

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

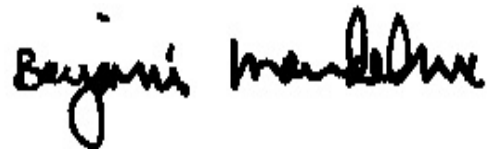
**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARLIN O. OSTHUS  
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman".

By:

BENJAMIN MANDELMAN  
Officer in Charge

cc: RICHARD SAKS, ESQ.  
HAWKS QUINDEL, S.C.  
222 E ERIE ST STE 210  
MILWAUKEE, WI 53202-6000



**From:** [Jaenke, Angela B.](#)  
**To:** [Richard Saks](#)  
**Subject:** DP&K Incorporated d/b/a McDonalds USA, Case 18-CA-163766  
**Date:** (b) (6), (b) (7)(C), 2015 8:48:00 AM

---

Good morning Richard,

I am checking with you on the status of the above case.

Unfortunately, (b) (6), (b) (7)(C) did not appear on (b) (6), (b) (7)(C). I waited at the library for 45 minutes and, it appears from Brian's e-mail below, that he continued to try to get (b) (6), (b) (7)(C) until (b) (6), (b) (7)(C) appointment was for (b) (6), (b) (7)(C). Brian appeared at the library and we spoke for a couple of minutes. While we spoke briefly about the status of the case, obviously you filed the case and I want to go through you to figure out where we are. It appeared from what Brian said, that it was Union's intention to withdraw the charge. I wanted to check with you to see if that was the case. If, at some point, it appears (b) (6), (b) (7)(C) is likely to be cooperative, the Union can re-file the charge.

Sincerely,  
Angela

**From:** Brian Rothgery [mailto:brian@wisconsinjobsnow.org]  
**Sent:** (b) (6), (b) (7)(C)  
**To:** Jaenke, Angela B.  
**Subject:** Re: Rothgerry Brian

hi Angela,

Still no sign of (b) (6), (b) (7)(C). My apologies again for the no show.

- Brian

On (b) (6), (b) (7)(C) PM, Jaenke, Angela B. <[Angela.Jaenke@nlrb.gov](mailto:Angela.Jaenke@nlrb.gov)> wrote:

Hi Brian,

I be here and on my e-mail for another five minutes.

Sincerely,  
Angela

**From:** Brian Rothgery [mailto:[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)]  
**Sent:** (b) (6), (b) (7)(C)  
**To:** Jaenke, Angela B.  
**Subject:** Re: Rothgerry Brian

Ok we'll see you a little after (b) (6). Thanks.

On (b) (6), (b) (7)(C), Jaenke, Angela B. <[Angela.Jaenke@nlrb.gov](mailto:Angela.Jaenke@nlrb.gov)> wrote:

Hi Brian,

I have a room at Hawthorne library from (b) (6), (b) (7)(C) will work out well. I'll plan to see (b) (6), (b) (7)(C) then.

If our meeting lasts (b) (6), (b) (7)(C) we will either try to stay in the room or find another space in the library.

Thank you.

Sincerely,  
Angela

---

**From:** Brian Rothgery [mailto:[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)]

**Sent:** Thursday, November 19, 2015 5:08 PM

**To:** Jaenke, Angela B.

**Subject:** Re: Rothgerry Brian

Hi Angela,

I've reconfirmed with (b) (6), (b) (7)(C) Best start time is (b) (6), (b) (7)(C).

Brian

On Nov 18, 2015, at 8:59 AM, Jaenke, Angela B. <[Angela.Jaenke@nlrb.gov](mailto:Angela.Jaenke@nlrb.gov)> wrote:

Hi Brian,

I am just going into my hearing.

(b) (6), (b) (7)(C) works great. Unfortunately, I cannot transport (b) (6), (b) (7)(C)

I will work out the details (b) (6), (b) (7)(C) with the library but, at worst, we can find a quiet corner.

Let me know the best time for (b) (6), (b) (7)(C)

Sincerely,  
Angela

---

**From:** Brian Rothgery [mailto:[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)]

**Sent:** Tuesday, November 17, 2015 3:58 PM

**To:** Jaenke, Angela B.

**Subject:** Re: Rothgerry Brian

Hi Angela,

Not a problem. (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) and available afterwards.

I am taking some low wage workers to MKE Thursday morning for a roundtable with DOL Sec. Perez from 10-11, and was planning to then then travel with our group up to Sheboygan to walk the picket lines with Kohler workers.

So if possible I would prefer to move the interview with (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) if that works for you.

Alternatively, perhaps you could pick (b) (6), (b) (7)(C) goes to (b) (6), (b) (7)(C) which is about (b) (6), (b) (7)(C) from the library.

Are either of these scenarios workable for you?

On Nov 16, 2015, at 8:36 PM, Jaenke, Angela B.  
<[Angela.Jaenke@nlrb.gov](mailto:Angela.Jaenke@nlrb.gov)> wrote:

Hi Brian,

Thank you for scheduling (b) (6), (b) (7)(C). My sincerest apologies but my hearing will be going through Wednesday. Would you check (b) (6), (b) (7)(C) availability for (b) (6), (b) (7)(C). Again, if my hearing unexpectedly continues, I will let you know.

I agree that the Hawthorne library will work well. Thank you and I apologize for the inconvenience.

Sincerely,  
Angela

**From:** Brian Rothgerry [<mailto:brian@wisconsinjobsnow.org>]  
**Sent:** Monday, November 16, 2015 1:35 PM  
**To:** Jaenke, Angela B.  
**Cc:** Richard Saks; (b) (6), (b) (7)(C)  
**Subject:** Re: Rothgerry Brian

Hi Angela,

Thanks for the clarification. (b) (6), (b) (7)(C) is currently staying with (b) (6), (b) (7)(C).

I told (b) (6), (b) (7)(C) that the Hawthorne Library, 2707 E. Washington Ave., would be the most likely location for your interview. I just now reserved Hawthorne's small meeting room for you, under your name with your number as the contact.

I will reconfirm daily with (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) is still available. The plan now is for me to (b) (6), (b) (7)(C) and bring (b) (6), (b) (7)(C) to the library.

thanks  
- Brian

On Sun, Nov 15, 2015 at 2:11 PM, Jaenke, Angela B.  
<[Angela.Jaenke@nlrb.gov](mailto:Angela.Jaenke@nlrb.gov)> wrote:

Hi Brian,

Thank you for getting back to me. The hearing that I am running is going to last at least through Tuesday. I am hopeful that we will not go into Wednesday. That would be the only thing that might interfere. I will definitely keep you updated.

Assuming that Wednesday will work, would you tell me where in Madison is (b) (6), (b) (7)(C) located? I want to try to secure an area in a library easily accessible for (b) (6), (b) (7)(C). I will let you know the location as soon as I have secured it.

Sincerely,  
Angela

-----Original Message-----

From: Brian Rothgery [mailto:[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)]  
Sent: Thursday, November 12, 2015 7:29 PM  
To: Jaenke, Angela B.  
Cc: Richard Saks; (b) (5)  
Subject: Re: Rothgerry Brian

Hi Angela,

(b) (6), (b) (7)(C) is available starting at (b) (6), (b) (7)(C)  
Does that work for you?

Thanks,  
Brian

> On Nov 12, 2015, at 10:02 AM, Jaenke, Angela B.  
<[Angela.Jaenke@nlrb.gov](mailto:Angela.Jaenke@nlrb.gov)> wrote:  
>  
> Richard,  
>  
> Thank you.  
>  
> Brian,  
>  
> As of the time I talked to Richard this morning, I thought  
both November 17 and 18 would be available. However,  
November 17 no longer works. I have other matters to  
schedule later on 11-17. Additionally, I have a hearing that  
begins tomorrow. While I don't anticipate that it will go into  
November 17, if it does, I would rather not have to worry  
about having several other matters scheduled for that day.  
>  
> Would you please check for (b) (6), (b) (7)(C) availability on (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)? I can be available most of the day, from (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) up to starting the affidavit at (b) (6), (b) (7)(C). If (b) (6), (b) (7)(C) is not  
available that day, would you let me know when (b) (6), (b) (7)(C) is  
available for the (b) (6), (b) (7)(C) and I will see if I can  
schedule (b) (6), (b) (7)(C) at that time. Thank you.  
>  
> Sincerely,  
> Angela Jaenke  
>  
> -----Original Message-----  
> From: Richard Saks [mailto:[rsaks@hq-law.com](mailto:rsaks@hq-law.com)]  
> Sent: Thursday, November 12, 2015 9:28 AM  
> To: Jaenke, Angela B.  
> Cc: (b) (6), (b) (7)(C) Rothgerry Brian  
> Subject: Rothgerry Brian  
>  
> Angela -- Brian's contact info is attached and he is copied  
on this email.  
>  
> Brian -- Angela would like to take (b) (6), (b) (7)(C) affidavit (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) in Madison.  
>  
> Rich  
>

--

Brian Rothgery  
Fight for \$15 Madison  
[608-219-2064](tel:608-219-2064)  
[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)

--

Brian Rothgery  
Fight for \$15 Madison  
[608-219-2064](tel:608-219-2064)  
[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)

--

Brian Rothgery  
Fight for \$15 Madison  
608-219-2064  
[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)

**Jaenke, Angela B.**

---

**From:** Richard Saks <rsaks@hq-law.com>  
**Sent:** Monday, November 23, 2015 2:13 PM  
**To:** Jaenke, Angela B.  
**Cc:** Brian Rothgery; (b) (6), (b) (7)(C)  
**Subject:** RE: DP&K Incorporated d/b/a McDonalds USA, Case 18-CA-163766

**Sensitivity:** Personal  
**Flag Status:** Completed

Angela

The union is filing a request for voluntary withdrawal without prejudice of the above-referenced charge. Thank you.

Rich Saks

*Richard Saks*  
Attorney



**Hawks  
Quindel** LLC

222 E. Erie Street • Suite 210 • P.O. Box 442 • Milwaukee, WI 53201  
Phone: (414) 271-8650 • Fax: (414) 271-8442 • [www.hq-law.com](http://www.hq-law.com) •  
<http://www.hq-law.com/attorneys/milwaukee-attorneys/richard-saks/>

**PLEASE NOTE:** If you receive this email in error, use or disclosure is prohibited. Please notify me of the error by email and delete this email. Thank you.

---

**From:** Jaenke, Angela B. [mailto:Angela.Jaenke@nlrb.gov]  
**Sent:** (b) (6), (b) (7)(C) 2015 7:48 AM  
**To:** Richard Saks <rsaks@hq-law.com>  
**Subject:** DP&K Incorporated d/b/a McDonalds USA, Case 18-CA-163766

Good morning Richard,

I am checking with you on the status of the above case.

Unfortunately, (b) (6), (b) (7)(C) did not appear on (b) (6), (b) (7)(C). I waited at the library for 45 minutes and, it appears from Brian's e-mail below, that he continued to try to get (b) (6), (b) (7)(C) until (b) (6), (b) (7)(C) appointment was for (b) (6), (b) (7)(C). Brian appeared at the library and we spoke for a couple of minutes. While we spoke briefly about the status of the case, obviously you filed the case and I want to go through you to figure out where we are. It appeared from what Brian said, that it was Union's intention to withdraw the charge. I wanted to check with you to see if that was the case. If, at some point, it appears (b) (6), (b) (7)(C) is likely to be cooperative, the Union can re-file the charge.

Sincerely,

Angela

**From:** Brian Rothgery [mailto:brian@wisconsinjobsnow.org]  
**Sent:** (b) (6), (b) (7)(C)  
**To:** Jaenke, Angela B.  
**Subject:** Re: Rothgerry Brian

hi Angela,

Still no sign (b) (6), (b) (7)(C) My apologies again for the no show.

- Brian

On Fri, (b) (6), (b) (7)(C), Jaenke, Angela B. <Angela.Jaenke@nlrb.gov> wrote:

Hi Brian,

I be here and on my e-mail for another five minutes.

Sincerely,

Angela

**From:** Brian Rothgery [mailto:brian@wisconsinjobsnow.org]  
**Sent:** (b) (6), (b) (7)(C)  
**To:** Jaenke, Angela B.  
**Subject:** Re: Rothgerry Brian

Ok we'll see you a little after (b) (6), (b) (7)(C). Thanks.

On (b) (6), (b) (7)(C), Jaenke, Angela B. <Angela.Jaenke@nlrb.gov> wrote:

Hi Brian,

I have a room at Hawthorne library from (b) (6), (b) (7)(C) will work out well. I'll plan to see (b) (6), (b) (7)(C) then.

If our meeting lasts (b) (6), (b) (7)(C) we will either try to stay in the room or find another space in the library.



Thank you.

Sincerely,

Angela

---

**From:** Brian Rothgery [mailto:[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)]

**Sent:** Thursday, November 19, 2015 5:08 PM

**To:** Jaenke, Angela B.

**Subject:** Re: Rothgerry Brian

Hi Angela,

I've reconfirmed with (b) (6), (b) (7)(C) Best start time is (b) (6), (b) (7)(C).

Brian

On Nov 18, 2015, at 8:59 AM, Jaenke, Angela B. <[Angela.Jaenke@nlrb.gov](mailto:Angela.Jaenke@nlrb.gov)> wrote:

Hi Brian,

I am just going into my hearing.

(b) (6), (b) (7)(C) works great. Unfortunately, I cannot transport (b) (6), (b) (7)(C)

I will work out the details tomorrow with the library but, at worst, we can find a quiet corner.

Let me know the best time for (b) (6), (b) (7)(C)

Sincerely,

Angela

---

**From:** Brian Rothgery [mailto:brian@wisconsinjobsnow.org]  
**Sent:** Tuesday, November 17, 2015 3:58 PM  
**To:** Jaenke, Angela B.  
**Subject:** Re: Rothgerry Brian

Hi Angela,

Not a problem. (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) and available afterwards.

I am taking some low wage workers to MKE Thursday morning for a roundtable with DOL Sec. Perez from 10-11, and was planning to then then travel with our group up to Sheboygan to walk the picket lines with Kohler workers.

So if possible I would prefer to move the interview with (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) if that works for you.

Alternatively, perhaps you could (b) (6), (b) (7)(C) goes to (b) (6), (b) (7)(C) which is about (b) (6), (b) (7)(C) from the library.

Are either of these scenarios workable for you?

On Nov 16, 2015, at 8:36 PM, Jaenke, Angela B. <Angela.Jaenke@nrlrb.gov> wrote:

Hi Brian,

Thank you for scheduling (b) (6), (b) (7)(C). My sincerest apologies but it my hearing will be going through Wednesday. Would you check (b) (6), (b) (7)(C) availability for (b) (6), (b) (7)(C).  
(b) (6), (b) (7)(C) Again, if my hearing unexpectedly continues, I will let you know.

I agree that the Hawthorne library will work well. Thank you and I apologize for the inconvenience.

Sincerely,

Angela

**From:** Brian Rothgery [mailto:brian@wisconsinjobsnow.org]  
**Sent:** Monday, November 16, 2015 1:35 PM  
**To:** Jaenke, Angela B  
**Cc:** Richard Saks, (b) (6), (b) (7)(C)  
**Subject:** Re: Rothgerry Brian

Hi Angela,

Thanks for the clarification. (b) (6), (b) (7)(C) is currently staying (b) (6), (b) (7)(C).  
(b) (6), (b) (7)(C)

I told (b) (6), (b) (7)(C) that the Hawthorne Library, 2707 E. Washington Ave., would be the most likely location for your interview. I just now reserved Hawthorne's small meeting room for you, under your name with your number as the contact.

I will reconfirm daily with (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) is still available. The plan now is for me to (b) (6), (b) (7)(C) and bring (b) (6), (b) (7)(C) to the library.

thanks

- Brian

On Sun, Nov 15, 2015 at 2:11 PM, Jaenke, Angela B.  
<[Angela.Jaenke@nlrb.gov](mailto:Angela.Jaenke@nlrb.gov)> wrote:

Hi Brian,

Thank you for getting back to me. The hearing that I am running is going to last at least through Tuesday. I am hopeful that we will not go into Wednesday. That would be the only thing that might interfere. I will definitely keep you updated.

Assuming that Wednesday will work, would you tell me where in Madison is (b) (6), (b) (7)(C) located? I want to try to secure an area in a library easily accessible for (b) (6), (b) (7)(C). I will let you know the location as soon as I have secured it.

Sincerely,  
Angela

-----Original Message-----

From: Brian Rothgery [mailto:[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)]  
Sent: Thursday, November 12, 2015 7:29 PM  
To: Jaenke, Angela B.

Cc: Richard Saks; (b) (6), (b) (7)(C)  
Subject: Re: Rothgery Brian

Hi Angela,

(b) (6), (b) (7)(C) is available starting at (b) (6), (b) (7)(C). Does that work for you?

Thanks,  
Brian

> On Nov 12, 2015, at 10:02 AM, Jaenke, Angela B.  
> <[Angela.Jaenke@nlrb.gov](mailto:Angela.Jaenke@nlrb.gov)> wrote:

>

> Richard,

>

> Thank you.

>

> Brian,

>

> As of the time I talked to Richard this morning, I thought both November 17 and 18 would be available. However, November 17 no longer works. I have

other matters to schedule later on 11-17. Additionally, I have a hearing that begins tomorrow. While I don't anticipate that it will go into November 17, if it does, I would rather not have to worry about having several other matters scheduled for that day.

>

> Would you please check for (b) (6), (b) (7)(C) availability on (b) (6), (b) (7)(C) I can be available most of the day, from (b) (6), (b) (7)(C) up to starting the affidavit at (b) (6), (b) (7)(C). If (b) (6), (b) (7)(C) is not available that day, would you let me know when (b) (6), (b) (7)(C) is available for the remainder of the week and I will see if I can schedule (b) (6), (b) (7)(C) at that time. Thank you.

>

> Sincerely,

> Angela Jaenke

>

> -----Original Message-----

> From: Richard Saks [mailto:[rsaks@hq-law.com](mailto:rsaks@hq-law.com)]

> Sent: Thursday, November 12, 2015 9:28 AM

> To: Jaenke, Angela B.

> Cc: (b) (6), (b) (7)(C) Rothgerry Brian

> Subject: Rothgerry Brian

>

> Angela -- Brian's contact info is attached and he is copied on this email.

>

> Brian -- Angela would like to take (b) (6), (b) (7)(C) affidavit next (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) in Madison.

>

> Rich

>

--

Brian Rothgery

Fight for \$15 Madison

608-219-2064

[brian@wisconsinjobsnow.org](mailto:brian@wisconsinjobsnow.org)

Brian Rothgery

Fight for \$15 Madison

608-219-2064

brian@wisconsinjobsnow.org

--

Brian Rothgery

Fight for \$15 Madison

608-219-2064

brian@wisconsinjobsnow.org

Case Name: DP & K Incorporated d/b/a/ McDonalds USA  
Case No.: 18-CA-163766  
Agent: Angela Jaenke, Field Atty

**CASEHANDLING LOG**

Date	Person Contacted	Method of Contact	Description of Contact or Activity
11-10	Richard Saks, CP Atty	Phone	<p>SW Saks. I asked for some background in the case. He said that he rushed to file it and did not have a lot more background than what was in the charge. He said that he would have some more soon.</p> <p>I asked to meet with discriminatee on (b) (6), (b) (7)(C) [REDACTED]. I asked if I should contact (b) (6), (b) (7)(C) [REDACTED] directly or go through the organizer. He said it would be better to go through the organizer, Brian. I said that would be fine. He said that those dates should work.</p> <p>In a follow-up call, I asked (b) (5) [REDACTED]  [REDACTED]  [REDACTED] He said that the franchise owner's name was (b) (6), (b) (7)(C) [REDACTED].</p>
11-12	Saks	Phone	<p>LM for him to call re the scheduling of alleged discriminatee for (b) (6), (b) (7)(C) [REDACTED]. I said that there are other matters that I need to schedule on those days so I needed to pin down when (b) (6), (b) (7)(C) [REDACTED] is available.</p> <p>I said, if he wanted me to deal directly with Brian, I would appreciate it if he would provide me with his contact information.</p>
11-18	(b) (6), (b) (7)(C) [REDACTED], Project Asst. Jones Day	Phone	(b) (6), (b) (7)(C) [REDACTED] left message asking for copy of CHG, stating they filed NOA.
11-19	(b) (6), (b) (7)(C) [REDACTED]	Phone	LM for (b) (6), (b) (7)(C) [REDACTED] asking (b) (6), (b) (7)(C) [REDACTED] to let me know how (b) (6), (b) (7)(C) [REDACTED] would like me to get the charge to (b) (6), (b) (7)(C) [REDACTED].

[illegible]





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30  
310 West Wisconsin Avenue, Suite 450W  
Milwaukee, WI 53203-2246

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (414)297-3861  
Fax: (414)297-3880

November 23, 2015

MICHAEL S. FERRELL, ESQ.  
BRANDON DIXON, ESQ.  
JONES DAY  
77 W. WACKER DR, STE 3500  
CHICAGO, IL 60601-1604

Re: DP & K Incorporated  
d/b/a/ McDonalds USA  
Case 18-CA-163766

Dear Mr. Ferrell and Mr. Dixon:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

MARLIN O. OSTHUS  
Regional Director

By: /s/ Benjamin Mandelman

BENJAMIN MANDELMAN  
Officer in Charge

cc: RICHARD SAKS, ESQ.  
HAWKS QUINDEL, S.C.  
222 E ERIE ST STE 210  
MILWAUKEE, WI 53202-6000

MILWAUKEE WORKERS  
ORGANIZING COMMITTEE  
1862 W. FOND DU LAC AVE.  
MILWAUKEE, WI 53205

DP & K INCORPORATED D/B/A/  
MCDONALDS USA  
2733 EAST WISCONSIN AVENUE  
MADISON, WI 53704